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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/070,831	04/30/1998	ASIT DAN	YO998-137	4859
7590	11/02/2005			EXAMINER BROWN, RUEBEN M
Gail H Zarick INTELLECTUAL PROPERTY LAW IBM CORPORATION PO BOX 218 YORKTOWN HEIGHTS, NY 10598			ART UNIT 2611	PAPER NUMBER
DATE MAILED: 11/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/070,831	DAN ET AL.	
	Examiner	Art Unit	
	Reuben M. Brown	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10 and 41-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10 and 41-61 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 10 have been considered but are not persuasive. Applicant's main argument with respect to claim 10 is that David only teaches synchronizing the display of multimedia events, and is not directed to modifying a previously generated presentation, as presently amended, see page 6-7 of applicant's arguments. Examiner respectfully disagrees, and points out that the claimed 'previously generated presentation', reads on the web pages in David, to which the events may or may not be added, see col. 8, lines 5-10 & col. 11, lines 5-17.

It is pointed out that David is directed to a system for invoking events from an extensible set of events (corresponds with the claimed 'events') onto a web page (corresponds with the claimed 'previously generated presentation'). The schedule for invoking the event(s) is determined according to a sequencer (corresponds with the claimed 'library of rules'), see col. 9, lines 5-30; col. 9, lines 46-67; col. 11, lines 1-19. Thus the web page in David is modified, based upon the events that are invoked.

Examiner furthermore points out that even if David were interpreted according to applicant's characterization that the multimedia events correspond with the claimed previously generated presentation, David would still meet the claimed subject matter. This is true since David clearly discloses that the multimedia events may include, "most any computer activity, including scripts, applications, objects, procedures, methods, interface, sending messages, generating a computer event, or the like", see col. 3, lines 50-56. Therefore the claimed 'previously generated presentation' is broad enough to read on the multimedia events of David.

Applicant's arguments with respect to claims 41-61 have been considered, but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by David, (U.S. Pat # 6,810,503).

Considering claim 10, the amended claimed method for programmatic generation of continuous multimedia presentations by a station capable of receiving at least one presentation and a plurality of sensed events, (see col. 3, lines 31-65) the method comprising:

'maintaining a library of rules', reads on the discussion in David of the list of parameters that are tested for a presentation sequence, including; time, loop, interval tiebreak and drop threshold (see Fig. 2 & col. 7, lines 45-58). These parameters are received as JavaScript syntax and are referred to as the sequencer control, which may be stored in system memory 22, at a subscriber computer (col. 6, lines 19-21).

'receiving at least one presentation' is met by the VBScript sequencer control sequence 350 that defines a set of sequence control commands within a web page, col. 8, lines 5-11 & Fig 3. The web page in David, reads on the claimed 'previously generated presentation'.

'selecting at least one event, wherein events control which rules in the library are applied to the presentation, and testing each rule in the library for each selected event to determine which rules will be applied to the presentation', is met by the disclosure in David (co. 8, lines 1-22) of sequences 355, 360 & 365, for instance, all of which test the rules, i.e., parameters discussed above, namely; time, loop, interval, tiebreak and drop threshold. As an example David teaches that the event1 is invoked 1.5 seconds after the start of the of the sequence timeline set1, the

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event is repeated 17 times, at .300 second intervals has a tiebreak priority of 3 and a drop threshold of 1.000 seconds.

'applying each rule that positively responded to the testing step to the at least one presentation top modify the at least one presentation' is met by the application of the parameter values for each sequence event in order to display the objects according to the sequence control, see col. 7, lines 21-45.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 41-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiels, (U.S. Pat # 6,260,194), in view of Montgomery, (U.S. PG-PUB 2002/0080159).

Considering claims 41, 49 & 55, the amended claimed method of modifying previously generated presentation documents comprising:

'creating a set of rules based on user input', is met by the disclosure of Shiels that the user input controls the presentation of a movie, (Abstract; col. 1, lines 41-58; col. 3, lines 24-35 & col. 8, lines 1-28).

'selecting a previously generated document to be modified' is met by the narrative video programs delivered to the STB, col. 4, lines 1-35.

'automatically modifying, without user intervention, the previously generated document based on the rules to produce a modified presentation and outputting the presentation' is met by the operation of Shiels, col. 2, lines 1-25; col. 6, lines 1-64; col. 7, lines 7-56 & col. 8, lines 1-28.

As for the additionally claimed feature of 'after creating the rules', Shiels teaches that in order to avoid the requirement of the user interaction prior to every branch, path selection of some of the branches may be dependent on previous interactions, col. 7, lines 7-12. However, this does not hold in all instances. Nevertheless, Montgomery teaches modifying a movie based upon a script that may be downloaded along with the movie and modified by the user, see Abstract; Para 0043-Para 0047. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Shiels with the teaching of Montgomery, at least for the desirable benefit of automating all of the modifications of a previously generated presentation, Para 0014 and Para 0033.

Regarding claim 55, the claimed feature of selecting at least two previously generated documents to be combined is met by the discussion in Shiels of handling compound images, for instance taking a video sprite and overlaying it on a locally generated background image, col. 5, lines 45-55.

Considering claims 42-45 & 50-51, Shiels teaches that the changes to the document includes changing the content, temporal order of sections, spatial layout and attributes, see col. Fig. 6-Fig. 10, col. 1, lines 41-58; col. 5, lines 30-55. Montgomery also discloses modifying the image itself, Para 0029-Para 0033.

Considering claims 46-48, 52-54 & 58-61, Shiels teaches that the presentation documents may be audio, video or a still from a screen, which reads on static documents, col. 3, lines 52-56; col. 4, lines 1-15; col. 9, lines 25-48. Montgomery discloses modifying still images, Para 0032.

Considering claims 56-57, the claimed subject matter is broad enough to read on the discussion in Shiels of overlaying video sprite on a background image, col. 5, lines 50-55. As for the feature of interleaving, Shiels also discloses that video streams may be seamlessly joined, col. 6, lines 1-30. Montgomery also discloses inserting stock footage, Para 0033.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown



HATTRAN
PRIMARY EXAMINER